

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 538-D
Case No. 86-32C
(PUD @ 26th and L Streets, N.W.)
January 11, 1993

By Z.C. Order No. 538 dated July 23, 1987, the Zoning Commission for the District of Columbia approved the application of the 26th and L Limited Partnership for consolidated review and approval of a planned unit development (PUD) and change of zoning, pursuant to the provisions of Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

By Z.C. Order No. 538-A dated July 10, 1989, the Zoning Commission modified the previously approved PUD to provide for fewer and larger apartment units, design changes to the building entrance, a reduction in the number of floors, changes to the permitted commercial uses, and a 50 percent increase in parking spaces for cars.

By Z.C. Order No. 538-B dated December 11, 1989, the Zoning Commission established August 11, 1989 as the effective date for Z.C. Order No. 538-A.

Pursuant to 11 DCMR 2406.8 and 2406.9 the validity of Z.C. Order No. 538-B would have expired on August 11, 1991 had the applicant not filed for a building permit on or before that date. Compliance with Sections 2406.8 and 2406.9 extended the validity of the order, provided that construction begin on or before August 11, 1992.

Pursuant to DCMR 2406.10, the Zoning Commission has the authority to extend the validity of a PUD for good cause shown upon proper request of the applicant before the expiration of the PUD approval.

By letter dated and received on August 5, 1992, counsel for the new owner of the property, the Dominion Bank of Washington (Dominion), filed a motion requesting that the Zoning Commission extend the validity of the PUD, originally approved in Z.C. Order No. 538 and subsequently modified and extended in Z.C. Order Nos. 538-A and 538-B, respectively.

The letter indicated that the applicant sought an additional three-year extension from August 11, 1992, (the expiration date for Z.C. Order No. 538-B) within which time construction must begin, and a

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two-year extension from the same date to refile for building permit application if required.

By Z.C. Order No. 538-C dated October 19, 1992, the Commission approved a two-year extension of the validity of the PUD; that is, until August 11, 1993, with construction to start not later than August 11, 1994.

By letter dated November 30, 1992, counsel for the applicant filed a motion for reconsideration of Z.C. Order No. 538-C. The letter reiterated the rationale for the August 5, 1992 extension request and emphasized the following:

"Given the fact that Dominion recently gained ownership of the property, that a permit has not been issued for the project, and that Dominion has not found a suitable developer of the site, it is not possible that construction can begin prior to August 11, 1992. An additional three-year period is therefore requested before construction must begin. Dominion also requests a two-year extension to refile a building permit application if necessary."

The letter also indicated that copies of the motion for reconsideration were served on all parties in the case, including Advisory Neighborhood Commission (ANC) 2A.

On December 14, 1992 at its public monthly meeting, the Commission considered the motion for reconsideration of Z.C. Order No. 538-C. The Commission also entertained comments from the OP and the counsel for the applicant, which stressed the need for amending the two-year extension to three-years for construction to begin and two-years to refile for building permit, as was initially requested by the applicant.

The Commission concurred with the applicant and the OP and believes that extension of the validity of the PUD as was initially requested by the applicant is appropriate in this particular case.

The Commission further believes that amending the extension from two-years to three-years for construction to start as requested by the applicant, is not unreasonable, that the additional two-year extension is sufficient time to refile for a building permit, if necessary. The Commission also believes that the rationale for granting the PUD has not changed, and that no adverse consequences will result by approving the request.

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The Commission determined that an extension of time, as requested by the applicant, is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order Nos. 538, 538-A, 538-B and 538-C in Z.C. Case No. 86-32C be **EXTENDED** for one additional year. Application for a building permit shall be filed on or before August 11, 1994 with construction to begin on or before August 11, 1995, pursuant to 11 DCMR 2406.8 and 2406.9.


Vote of the Commission taken at the monthly meeting on December 14, 1992: 3-0 (Maybelle Taylor Bennett, John G. Parsons and Tersh Boasberg, to extend as requested, Lloyd D. Smith and William L. Ensign, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at the public meeting on January 11, 1993 by a vote of 3-0 (Maybelle Taylor Bennett, John G. Parsons, and Tersh Boasberg, to adopt - William L. Ensign and Lloyd D. Smith, not voting, not having participated in the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is on FEB 19 1993.



TERSH BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning

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